३२५/ना.श्री.२८
१८/११/०९

<u>महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम,१९६६</u>
कलम ३७(२) अन्वये बृहन्मुंबई विकास नियंत्रण नियमावलीमध्ये करावयाच्या फेरबदलाबाबतची अधिसूचना.

महाराष्ट्र शासन,
नगर विकास विभाग,
शासन अधिसूचना क्रमांक: सिएमएस/टिपीबी-४३०७/६७३/प्र.क्र.३१/२००८/नवि-११
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक : ५ सप्टेंबर,२००९.

<u>शासन निर्णय:-</u> सोबतची अधिसूचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(राजेंद्र हावडे)
अवर सचिव, महाराष्ट्र शासन.

प्रति,
महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, वांद्रे-कुर्ला संकुल, वांद्रे (पूर्व), मुंबई-५१.
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.
उप सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना विनंती करण्यांत येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येवून त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय, मुंबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यांत याव्यात.)
कक्ष अधिकारी (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.
(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी)
निवडनस्ती (नवि-११).
सेक्शन ३७ फाईल.

Development Control Regulations for Greater Mumbai, 1991.

- Sanction to modification u/s 37(2) of MR&TP Act, 1966 in respect of modification to Regulation 32 of .....
- In regard to modify condition No.1 under Note (v) of Regulation No.32.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
Dated : 5th September, 2009.

NOTIFICATION

No. CMS/TPB 4307/623/CR-31/2008/UD-11:

Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by Government under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), vide Urban Development Department's Notification No. DCR/1090/UD-11 (RDP) dated 20/2/1991, to come into force with effect from 25/3/1991.

And whereas, with a view to achieve professional standards of quality and performance of Educational and Medical Institutions, financial support is required which can be generated through commercial exploitation of the plot. the Government of Maharashtra considers the certification done by ISO, as a standard of the Institution;

And whereas, Government has considered the above fact and has found it necessary to modify the said Regulations, so as to allow the commercial uses to the extent of 30% in case of Educational and Medical Institutions, which have received ISO certification;

And whereas, considering the above facts and after completing the procedure u/s 37 of the said Act, Govt. has sanctioned the modification in Regulation 32 in the said Regulations by adding new note (v) as -

"For Educational Institutions and Medical Institutions, which have been certified by ISO, built up space equivalent to FSI to the extent of 0.30 out of FSI 1.00 in suburbs and extended suburbs, and FSI to the extent of 0.40 out of FSI 1.33 in Island City shall be allowed to be used for Commercial use, ancillary to the principal use of educational/medical institutions".

And whereas, now a request is come forward that there is less demand for the exclusive medical office space and therefore to achieve the financial viability of large hospital project, in the 30% commercial use banking, insurance companies, financial services etc. shall be made permissible.

And whereas, Govt. has considered the above fact and found it necessary to modify the said regulation to allow the use of Banking and Financial use etc. in 30% permissible commercial use in case of Educational and Medical Institution those are having ISO Certificates;

And whereas, the Govt. in Urban Development Department vide its order of even number dated 4th April, 2008, has issued necessary directions under section 37(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said directions") to the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") to further modify condition No.1, under Note (v) of Regulation 32 of the said Regulation so as to further grant "Commercial use to be allowed shall be for Banking and Financial Institution";

And whereas, in pursuance of the said directions, the said Corporation, after obtaining approval from its General Body, has issued a public notice (hereinafter referred to as "the said notice") for inviting suggestions & objections from the public upon the proposal of "Commercial use to be allowed shall be for Banking and Financial Institution and commercial offices" (hereinafter referred to as "the said modification proposal");

And whereas, the said notice bearing No.ChE/1174/DPC/Gen has appeared in Maharashtra Government Gazette Part-II dated 25th September, 2008 on page No. 158 and also in local daily news papers namely "Navakal" & "Asian Age";

And whereas, no suggestions and objections in respect of the said modification proposal, have been received by the said Corporations in the stipulated period;

And whereas, after examining the said proposal and after following the legal procedure laid down under section 37 of the said Act, the said Corporation vide letter No.CHE/369/DPC/Gen. Dated 17th February, 2009, has submitted the said modification proposal to the Government for approval;

And whereas, upon receipt of the said modification proposal Government has called for remarks from the Director of Town Planning, Maharashtra State Pune;

And whereas, after considering the report of the Director of Town Planning, the Govt. finds it expedient to accord final sanction to the said modification proposal with some changes;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 37 of the said Act, the Government of Maharashtra hereby –

A) sanctions the said modification as follows :

Condition No.1 under Note (v) of Regulation 32 as follows:

(i) Commercial use to be allowed shall be for Banking, Financial institutions and Commercial offices. Out of permissible commercial user minimum 0.10 FSI shall be permissible for ancillary use to principal use of educational/medical institutions.

In relation with Medical Institutions, ancillary use may be as follows –

"Chemist Shop, Bookstall, Fruit Stall, Florist Stall, Diagnostic Centre, Medical Research Centre Office, Medicare Insurance Office & Bank with ATM Centre".

In relation with Educational Institutions, ancillary use may be as follows –

"Sports shop, Education Stationary shop, Uniform/Tailor Shop & Bank with ATM Centre".

(ii) Fixes the date and publication of this notification in the official gazette as the date of coming into force of this modification.

(iii) Directs the said Corporation that in the schedule of modification sanctioning the said regulations, after the last entry, the schedule referred to as (i) above shall be added.

By order and in the name of Governor of Maharashtra,

(Rajendra Habde)
Under Secretary to Government.